

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 400—Life, Annuities and Health
Chapter 2—Accident and Health Insurance in General**

PROPOSED RULE

20 CSR 400-2.135 Health Benefit Plans Issued to Associations with Small and Large Employers

PURPOSE: This rule establishes the requirements for health carriers seeking an exemption under §376.421.1(5)(e), RSMo (Cum. Supp. 2006).

(1) Definitions. When used in this regulation –

(A) “Health benefit plan” shall have the definition as found in §376.1350, RSMo.

(B) “Health carrier” shall have the definition as found in §376.1350, RSMo.

(C) “Producer” shall have the definition as found in §375.012, RSMo.

(D) “Small employer” shall have the definition as found in §379.930.2 RSMo.

(2) Request for Suspension of Rate Restriction. A health carrier seeking an exemption under §376.421.1(5)(e), RSMo for a policy issued to an association, a trust or to the trustees of a fund established, created and maintained for the benefit of members of one or more associations which is insuring large employers and small employers shall:

(A) file with the department completed affidavit forms approved by this rule at the time of policy inception;

(B) file with the department completed affidavit forms approved by this rule within the 30-day period prior to the annual renewal for any additional year during which an exemption under § 376.421.1(5)(e), RSMo is sought;

(C) maintain copies of current affidavits required by this rule with the insurer’s master policy for the length of time required by 374.205, RSMo and 20 CSR 300-2.200;

(D) submit data to the department to track the market impact of this type of association health benefit plan. The data elements will be identified and submitted on the Missouri A&H Supplement form;

(E) comply with 20 CSR 400-2.130 except that completion of the forms required in paragraph (2)(A) of this rule shall constitute compliance with 20 CSR 400-2.130(2)(C) for issuance of policies to an association, a trust or to the trustees of a fund established, created and maintained for the benefit of members of one or more associations; and

(F) comply with all provisions of the *Small Employer Health Insurance Availability Act* found in §§379.930-952, RSMo except for the exempted provision of §379.936.1(1), RSMo.

(3) Producer Disclosure. Producers shall disclose the exemption to the association or trust and to the small employers insured under the association health benefit plan.

(4) Application Forms. The following forms have been adopted and approved for filing with the department:

- (A) Association's Request for Suspension of Index Rate Restriction Affidavit ("Form AHP1"), revised September 2006, or any form which substantially comports with the specified form; and
- (B) Producer's Request for Suspension of Index Rate Restriction Affidavit ("Form AHP2"), revised September 2006, or any form which substantially comports with the specified form; and
- (C) Insurer's Request for Suspension of Index Rate Restriction Affidavit ("Form AHP3"), revised September 2006, or any form which substantially comports with the specified form.

(5) Availability of Forms. The department on request will supply in printed format the forms listed in this rule. Accurate reproduction of the forms may be utilized for filing in lieu of the printed forms. All application forms referenced herein are available at <http://www.insurance.mo.gov>.

AUTHORITY: sections 374.045 and 374.205, RSMo (2000), and 376.421, RSMo (Cum. Supp. 2006).

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on November 7, 2006. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on November 7, 2006. Written statements shall be sent to Stephen Gleason, Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, Missouri 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five working days prior to the hearing.